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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,837	12/29/2003	Christine Baumeister	886-131us	2773
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317 Madison Avenue New York, NY 10017			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)					
Office Action Occurrence	10/748,837	BAUMEISTER ET AL.					
Office Action Summary	Examiner	Art Unit					
	KHAI N. NGUYEN	2614					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1) Responsive to communication(s) filed on 29 De	ecember 2003						
• • • • • • • • • • • • • • • • • • • •	action is non-final.						
<i>,</i> —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4)⊠ Claim(s) <u>1-38</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-38</u> is/are rejected.							
7) Claim(s) is/are objected to.							
•							
Application Papers							
9)☐ The specification is objected to by the Examine	•						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the o							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
a)							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
dee the attached detailed effice action for a list of the certified copies not received.							
Attachmont/s)							
Attachment(s) 1) X Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)					
2) Notice of Traftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application							
Paper No(s)/Mail Date <u>07/03/2008</u> . 6) U Other:							

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on July 3, 2008 was filed after the filing date of the instant application on December 29, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Amendment

2. Applicant's amendment filed on July 3, 2008 has been entered. Claims 1, 2, 3, 9, 23, 24, and 31 have been emended. No claims have been canceled. No claims have been added. Claims 1-38 are still pending in this application, with claims 1, 9, 23, 24, and 31 being independent.

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 4. Claims 2 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Claims 2 and 3 are amended with a new added feature, a "<u>sensor</u>", and this feature was not described in the instant application's original specification, original claims and original figures. This is a new matter. The new matter must be cancelled.

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-8 and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shtivelman (U.S. Publication Number 2002/0054670 A1) in view of Eng et al. (U.S. Patent Number 6,195,359 hereinafter "Eng"), and in view of Ahmed (U.S. Patent Number 6,813,634).

Regarding claims 1 and 24, Shtivelman teaches a method and a call routing system for use in directory assistance, said routing system (Fig. 1) comprising:

a primary call routing device at a first directory assistance system (Fig. 1, 47 CTI Processor, 51 Switch, 47 and 51 read on the claimed "primary call routing device", 15 Call Center reads on the claimed "first directory assistance system") configured to receive directory assistance calls from callers (Fig. 1, 19 Calls) at a first directory assistance system (Fig. 1, 15 Call Center), and to determine, for each of said calls, whether said calls will be handled by said first directory assistance system (Fig. 1, 15 Call Center), or by a second directory assistance system (Fig. 1, 13 Call Center) among a plurality of directory assistance systems (Fig.1, paragraph hereinafter "par" [0031] lines 3-8, i.e., calls are routed according to programmable rules); and

a secondary router (Fig. 1, 29 Processor), said secondary router configured to route said calls within said first directory assistance system (Fig. 1, 15) to said primary call routing device (Fig. 1, 47, 51), and wherein if said primary call routing device (Fig. 1,

47, 51) is off-line, said secondary call router (Fig. 1, 29, 31) employs a default call distribution logic (Fig. 1, 29, 25 Call Distribution Processor) to route said calls among said first directory assistance system and said plurality of directory assistance systems according to said default distribution logic (Fig. 1, par [0031], par 0037] lines 9-15, i.e., monitors the level of incoming calls when the level exceeds the threshold then sends a command to T-Server 31 of processor 29 "secondary router" for beginning to divert calls among call centers, and par [0029], i.e., "25 Call Distribution Processor and command to divert calls among call centers" reads on "a default call distribution logic").

However, Shtivelman does not specifically disclose a secondary router at first directory assistance system and a primary call routing device is off-line. Although Shtivelman teaches a secondary router (Fig. 1, 29 Processor) and the default call distribution logic (Fig. 1, 25 Call Distribution Processor) to support diverting calls for any reason "off-line" (Fig. 1, paragraphs [0023], [0029], [0031], and [0037]).

In the same field of endeavor, Eng teaches a communication network system that includes both a primary call routing device and a secondary router wherein a secondary router operates as a backup for the primary call routing device (see Eng – Fig. 1, 2 PRIMARY ROUTER, 5 SECONDARY ROUTER, column 3, lines 25-27, i.e., secondary routers functioning as slaves "backup" when primary router is off-line), and the advantage of Eng system is the calls can be diverted between the primary and secondary routers (see Eng - column 2, lines 21-24).

In addition, and in the same field of endeavor, Ahmed teaches a system to detect a network device such as router has gone off-line (see Ahmed – Fig. Figs. 1-6, column 2, lines 4-9). The advantage of Ahmed is to reduce the "network element down message" to a minimum numbers in order to minimize network bandwidth consumption (see – Ahmed – column 3, lines 34-40).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to apply a known technique to a known device (i.e., using a secondary router to route the calls when the primary call routing device is off-line in a directory assistance system) ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the use of a secondary router and detect the primary call routing device is off-line, as taught by Eng and Ahmed, into the system of Shtivelman in order to enhance the call routing services in a directory assistance system.

Regarding claims 2-3 and 25-26, Shtivelman teaches a method and a call routing system, wherein said secondary router (Fig. 1, 29) further maintains a <u>sensor (Fig. 1, 25 Call Distribution Processor) to</u> determine the online/off-line status of said primary call routing device (Fig. 1, 11, 25, 29, 47, 51, par [0029], lines 1-7, par [0041], i.e., records the progress of the system and this information will be used to aid call routing rules), and wherein said directory assistance system (Fig. 1, 13, 15) further comprises a sensor to determine the on line/off-line status of said primary call routing device (Fig. 1,

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31, 47, 51), and delivering information on said status to said secondary router (Fig. 1, 29, 31) (Fig. 1, par [0037] lines 9-15).

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However, Shtivelman does not specifically disclose the detail about a sensor for detecting the primary call routing device online/off-line status. Ahmed teaches a system which implemented a detection logic "sensor" to determine the online/off-line status of a router (see Ahmed – Fig. 5, 1 Router, 11 Problem Management Server, 50 "Valerie", column 2, lines 4-9, i.e., detects a network device such as a router has gone off-line).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Shtivelman with detection logic "sensor" to determine the primary call routing device online/off-line status as taught by Ahmed.

Regarding claims 4 and 27-29, Shtivelman teaches a method and a call routing system, further comprising a transfer router (Fig. 1, 11, 15, 51, Fig. 2), said transfer router configured to transfer calls between said directory assistance system (Fig. 1, 11, 15, 43 Trunk, 51, Fig. 2, 103) and a second directory assistance system (Fig. 1, 11, 13, 41 Trunk, 49, Fig. 2, 107) via a Wide Area Network (WAN), the Internet, and/or a packet switched network (Figs. 1-2, paragraphs [0045]- [0047], i.e., network 11 can be a packet data network (e.g., Internet) or other wide area packet networks, and calls are received and routed via class 5 PSTN switch "WAN", an Internet Protocol router or the like between call centers).

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Regarding claims 5-6 and 30, Shtivelman teaches a method and a call routing system, wherein said primary call routing device routes a portion of said plurality of said incoming calls to said second directory assistance system when said directory assistance system is lo experiencing high call volume and/or offline (Figs 1-2, par [0048], i.e., calls are diverted when call volume is exceeded a preset threshold "offline", and par [0050])

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Regarding claims 7-8, Shtivelman teaches a call routing system, further comprising an automatic call distribution call center, configured to receive a portion of said is plurality of calls from said secondary router and distribute them among a plurality of operator terminals disposed within said directory assistance system, and where in said second directory assistance system further comprises a second automatic call distribution call center configured to receive a portion of said plurality of calls from said secondary router and distribute them among a plurality of operator terminals disposed within said second directory assistance system (Fig. 1, par [0050], i.e., call center 13, call center 15 and other call centers may only have a certain percentage of incoming calls).

9. Claims 9-22, and 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shtivelman (U.S. Publication Number 2002/0054670 A1) in view of Foladare et al. (U.S. Patent Number 5,978,671 hereinafter "Foladare").

Regarding claims 9 and 31, Shtivelman teaches a method and a call routing system for use in a directory assistance system (Figs. 1-3), said routing system comprising:

a primary call routing device (Fig. 1, Fig. 2, 103 Switching Apparatus) configured to receive directory assistance calls from callers (Fig. 1, 19) (Fig. 1, par [0031] lines 3-8);

a caller database (Fig. 1, 81), configured to store information corresponding to callers (Fig.1, par [0026] lines 11-14, i.e., database 81 contains information needed by operators for processing calls); and

a frequent caller routing module (Fig. 1, 21 IVR, Fig. 2, 113 CTI Processor, 115 IVR) coupled to said primary call routing device (Fig. 147 Processor, 51 Switch, Fig. 2, 103 Switching Apparatus) configured to determine if a particular caller's information is stored in said caller database wherein if said caller's information is stored in said caller database (Fig. 1, 81), said primary call routing device utilizes said information_and determines if said caller is to receive priority (Fig. 3, step 87 Determine if caller has priority) call routing (Figs. 1-3, par [0046], and par [0053], i.e., determine if caller has priority reads on frequent caller routing).

However, Shtivelman does not specifically disclose the database (Fig. 1, 81 Database) is a frequent caller database. Although, Shtivelman teaches the database contains caller information (Fig. 1, 81, paragraphs [0010] and [0026]).

In the same field of endeavor, Foladare teaches a method and a system to provide frequent call routing by detecting repeat or frequent caller and accessing/updating a frequent caller database (see Foladare – Figs. 1-2, column 2, lines 27-48). The advantage of Foladare method and system is speech recognition technique (e.g., IVR) can be used to obtain caller information for querying the caller database (see Foladare - column 2, lines 58-66).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to apply a known technique to a known device (i.e., using a database to store frequent caller information in a directory assistance system) ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the use of a frequent caller database, as taught by Foladare, into the system of Shtivelman in order to enhance the call routing services in a directory assistance system.

Regarding claims 10-11, Shtivelman teaches the call routing system (Figs. 1-3), wherein said frequent call routing module is located within said primary call routing device, and wherein said frequent call routing module is a software application within said primary call routing device (Figs. 1-3, par [0059] lines 5-8).

Regarding claims 12-16 and 32-34, Shtivelman teaches the call routing system (Fig. 1), wherein said frequent call routing module is configured to convey the priority

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call routing decision to said primary call routing device to perform routing of said call, wherein said information corresponding to frequent callers includes a listing of frequent callers to said directory assistance system and the corresponding frequency of their calls (Figs. 1-3, par [0013], and par [0031] lines 9-14), wherein said frequency of calls made to said directory assistance system are stored as calls per month, wherein said information corresponding to frequent callers includes a listing of frequent callers to said directory assistance system are stored in one of a plurality of designated call frequency groups, and wherein said frequent caller routing module makes priority routing decisions for incoming calls based on said call frequency group assigned to said caller, in said frequent caller database (Figs. 1-2, par [0034], and par [0040], i.e., call frequency groups such as emergency workers, certain authorities).

Again, Shtivelman does not specifically disclose a frequent caller database and store the frequency of calls made. Foladare teaches a frequent caller database (see Foladare – Figs. 1-2, column 2, lines 27-48) and store the frequency of calls made (see Foladare – Figs. 1-2, column 6, lines 41-44, i.e., number of times a caller has called is maintained in the database).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Shtivelman with a frequent caller database and store the frequency of calls made as taught by Foladare.

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Regarding claims 17-19 and 35-36, Shtivelman teaches the call routing system, wherein said frequent caller routing module attempts to designate a desired predefined percentage of calls of the total numbers of calls to said directory assistance system as priority calls, wherein said desired percentage of calls is 3-5% of the total call volume to said directory assistance, and wherein said frequent caller routing module dynamically adjusts priority routing decisions for incoming calls by changing said call frequency groups that are designated for priority routing so as to maintain said predefined percentage of calls of the total numbers of calls to said directory assistance system, routed as priority calls (Fig. 1, 15, 16, 19, 21, par [0038], i.e., selection of a percentage of callers for diversion, and par [0040]).

Regarding claims 20-22 and 37-38, Shtivelman teaches the call routing system, wherein said priority call routing includes expediting the handling of said call within said directory assistance system (Fig. 1, 16, 19, 21, par [0042] lines 5-6, i.e., callers have correct code/password would be immediately routed), wherein said priority call routing includes routing said call within said directory assistance system to a particular operator terminal among a plurality of operator terminals, and wherein said particular operator terminal is an increased skill operator (par [0042] lines 12-15, i.e., routed to appropriate services).

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shtivelman in view of Eng and Ahmed, and further in view of Foladare.

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Regarding claim 23, Shtivelman teaches a call routing system (Figs. 1-3) for use in directory assistance, said routing system comprising:

a primary call routing device at a first directory assistance system (Fig. 1, 47 CTI Processor, 51 Switch, 47 and 51 read on a primary call routing device, 15 Call Center reads on first directory assistance system) configured to receive directory assistance calls from callers (Fig. 1, 19 Calls) at a first directory assistance system (Fig. 1, 15 Call Center), and to determine, for each of said calls, whether said calls will be handled by said first directory assistance system (Fig. 1, 15 Call Center), or by a second directory assistance system (Fig. 1, 13 Call Center) among a plurality of directory assistance systems (Fig.1, paragraph hereinafter "par" [0031] lines 3-8, i.e., calls are routed according to programmable rules);

a caller database (Fig. 1, 81), configured to store information corresponding to callers (Fig.1, par [0026] lines 11-14, i.e., database 81 contains information needed by operators for processing calls);

a frequent caller routing module (Fig. 1, 21 IVR, Fig. 2, 113 CTI Processor, 115 IVR) coupled to said primary call routing device (Fig. 147 Processor, 51 Switch, Fig. 2, 103 Switching Apparatus) configured to determine if a particular caller's information is stored in said caller database wherein if said caller's information is stored in said caller database (Fig. 1, 81), said primary call routing device utilizes said information_and determines if said caller is to receive priority (Fig. 3, step 87 Determine if caller has

priority) call routing (Figs. 1-3, par [0046], and par [0053], i.e., determine if caller has priority reads on frequent caller routing).

a secondary router (Fig. 1, 29 Processor), said secondary router configured to route said calls within said first directory assistance system (Fig. 1, 15) to said primary call routing device (Fig.1, 47, 51), and wherein if said primary call routing device (Fig. 1, 47, 51) is off-line, said secondary call router (Fig. 1, 29, 31) employs a default call distribution logic (Fig. 1, 29, 25 Call Distribution Processor) to route said calls among said first directory assistance system and said plurality of directory assistance systems according to said default distribution logic (Fig. 1, par [0031], par 0037] lines 9-15, i.e., monitors the level of incoming calls when the level exceeds the threshold then sends a command to T-Server 31 of processor 29 "secondary router" for beginning to divert calls among call centers, and par [0029], i.e., "25 Call Distribution Processor and command to divert calls among call centers" reads on "a default call distribution logic").

However, Shtivelman does not specifically disclose a secondary router at first directory assistance system and a primary call routing device is off-line, and the database is a frequent caller database. Although Shtivelman teaches a secondary router (Fig. 1, 29 Processor) and the default call distribution logic (Fig. 1, 25 Call Distribution Processor) to support diverting calls for any reason "off-line" (Fig. 1, paragraphs [0023], [0029], [0031] and [0037]), and Shtivelman teaches the database contains caller information (Fig. 1, 81, paragraphs [0010] and [0026]).

In the same field of endeavor, Eng teaches a communication network system that includes both a primary call routing device and a secondary router wherein a secondary router operates as a backup for the primary call routing device (see Eng -Fig. 1, 2 PRIMARY ROUTER, 5 SECONDARY ROUTER, column 3, lines 25-27, i.e., secondary routers functioning as slaves "backup" when primary router is off-line), and the advantage of Eng system is the calls can be diverted between the primary and secondary routers (see Eng - column 2, lines 21-24). Ahmed teaches a system to detect a network device such as router has gone off-line (see Ahmed – Fig. Figs. 1-6, column 2, lines 4-9). The advantage of Ahmed is to reduce the "network element down" message" to a minimum numbers in order to minimize network bandwidth consumption (see – Ahmed – column 3, lines 34-40). And, Foladare teaches a method and a system to provide frequent call routing by detecting repeat or frequent caller and accessing/updating a frequent caller database (see Foladare – Figs. 1-2, column 2, lines 27-48). The advantage of Foladare method and system is speech recognition technique (e.g., IVR) can be used to obtain caller information for querying the caller database (see Foladare - column 2, lines 58-66).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to apply a known technique to a known device (i.e., using a secondary router to route the calls when the primary call routing device is off-line, and a database to store frequent caller information in a directory assistance system) ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would

have been obvious to a person of ordinary in the art to incorporate the use of a secondary router and detect the primary call routing device is off-line, and a frequent caller database as taught by Eng, Ahmed and Foladare, into the system of Shtivelman in order to enhance the call routing services in a directory assistance system.

Response to Arguments

11. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI N. NGUYEN whose telephone number is (571)270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. N. N./ Examiner, Art Unit 2614

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/Ahmad F. Matar/ Supervisory Patent Examiner, Art Unit 2614 Application/Control Number: 10/748,837

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